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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re T.W., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

T.W.,

Defendant and Appellant.

E041676

(Super.Ct.No. J209911)

OPINION

APPEAL from the Superior Court of San Bernardino County. Douglas N. Gericke and Ronald M. Christianson, Judges. Affirmed.

James R. Bostwick, Jr., under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

An original juvenile wardship petition was filed on August 21, 2006, which alleged that T.W. (the minor) came within the jurisdiction of the juvenile court under Welfare and Institutions Code section 602, subdivision (a), because he possessed marijuana for sale, a felony, in violation of Health and Safety Code section 11359. After a contested trial, the juvenile court found the allegation in the petition to be true.

At the disposition hearing, the juvenile court declared the minor a ward of the court and placed him on probation, with terms that included serving 122 days in juvenile hall. The court then credited the minor with 62 days and ordered him released on in December 2006, on his 18th birthday, when probation would terminate. The court also ordered that the minor's driver's license or the privilege to obtain his driver's license be delayed for a period of one year. The minor filed a timely notice of appeal.

I

FACTS

About 8:50 p.m. on August 17, 2006, San Bernardino Police Officer Charles Dai and his partner were on patrol duty. They were driving a marked patrol car on Loma Avenue, toward Mountain Avenue, in San Bernardino. As the officers approached Mountain Avenue, Officer Dai observed approximately five Black males turn the corner as they left a parking lot. Officer Dai estimated that he was about 10 feet north of the male subjects. The area was lighted, and his view of the subjects was not blocked.

One of the subjects, later identified as the minor, dashed quickly to the bushes on the west side of the sidewalk. The minor ran between the bushes and a block wall on the

north, made a throwing gesture, and quickly returned to the sidewalk. Officer Dai did not see an object being released in the throw but suspected that the minor had tossed away narcotics or a weapon. Officer Dai left the patrol car and shouted at the minor to stop. All five subjects, including the minor, stopped; they were detained.

Officer Dai asked the minor what he had thrown. The minor remained silent and shook his head several times. Thereafter, Officer Dai recovered a large clear plastic baggie, which contained three or four pieces of compressed marijuana, on top of one of the bushes. When Officer Dai stated that he found a large quantity of marijuana and asked how long the marijuana would last, the minor spontaneously indicated it would last about two months.

Officer Dai told the minor that he was being arrested for felony possession of marijuana for sale. The minor asked the officer why the officer would not just cite and release him. The officer told the minor that he could not do that because the minor committed a felony. The minor asked why it was a felony; Officer Dai explained it was because the minor had over a pound of marijuana. The minor then argued that the marijuana was not individually wrapped.

The parties stipulated that the substance seized by Officer Dai was analyzed by the crime lab and was 453.38 grams of marijuana.

According to the minor, he left his apartment on Mountain Avenue with several other guys. He was on his way to meet his girlfriend, who was coming out of some nearby apartments. The minor saw two unmarked police cars driving with their lights

off. People in the group were asking who they were, and someone said it was a “drive-by.” The minor ducked behind some bushes. When the minor heard someone say it was the police, he left the bushes and returned to the sidewalk. The minor heard the police order him to come over.

The minor denied making a throwing gesture behind the bush. He also denied possessing marijuana, telling the officer that the marijuana would last about two months, asking the officer why he could not be cited and released, or telling the officer that the marijuana was not individually wrapped.

II

ANALYSIS

The minor appealed, and upon his request this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493] setting forth a statement of the case, a summary of the facts, and potential arguable issues and requesting this court to undertake a review of the entire record.

We offered the minor an opportunity to file a personal supplemental brief, and he has not done so.

We have now concluded our independent review of the record and find no arguable issues.

III

DISPOSITION

The judgment is affirmed.

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RICHLI
J.

We concur:

HOLLENHORST
Acting P.J.

McKINSTER
J.